

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEAN W. GALUSHA,

Petitioner,

vs

9:02-CV-1602

GEORGE DUNCAN,

Respondent.

APPEARANCES:

DEAN W. GALUSHA
Petitioner, Pro Se
98-B-1336
Sing Sing Correctional Facility
354 Hunter Street
Ossining, NY 10562

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Respondent
207 Genesee Street
Utica, NY 13501

DAVID N. HURD
United States District Judge

OF COUNSEL:

G. LAWRENCE DILLON, ESQ.
Asst. Attorney Generao

DECISION and ORDER

Petitioner, Dean W. Galusha, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By a report recommendation dated August 6, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus be denied and dismissed. Petitioner has filed timely objections.

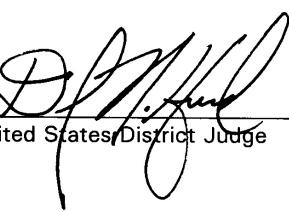
Based upon a de novo determination of the report and recommendation, including the portions to which petitioner objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Accordingly, it is

ORDERED that the petition is DENIED and DISMISSED in all respects.

IT IS SO ORDERED.

Dated: November 21, 2007
Utica, New York.



United States District Judge